

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 26, 1975

Chairman Barengo called to order this meeting of the Assembly Judiciary Committee at the hour of 8:30 a.m. on Wednesday, February 26, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests Present at this meeting were Mr. Darrell D. Luce, representing the Christian Science Churches of Nevada from Las Vegas; Blaine Sullivan Rose, Legislative Liaison for the State of Nevada Department of Human Resources; and Carol Gundlach, a resident of Reno. The Guest Register from this meeting is attached.

Testifying regarding A.B.185 was Darrell D. Luce, from Las Vegas. He represents the Nevada Christian Science Churches, and his main concern with A.B.185 is that an omission exists in the bill in that a victim of a crime who is a member of the Christian Science Church would not be able to get the benefits another person in the same situation would. He has a proposed amendment to remedy this. Attached to these Minutes is a copy of that proposed amendment, together with a copy of a portion of the Motor Vehicle Insurance Act, which includes the language proposed to amend A.B.185. Mr. Luce stated that ample precedent has been set for this language to be added, not only because it is contained in the Motor Vehicle Insurance Act, but it is covered at the federal level with the Medicare Program and the Nevada State Employees Insurance Program provides for payment to Christian Science people.

Blaine Sullivan Rose was present at the meeting on behalf of the Department of Human Resources, and it was their request that since they were unhappy with A.B.185, they wished this bill to be killed.

In reference to S.B.135, which the Committee previously considered on February 21, 1975, Mr. Barengo told the Committee that he had a conference with Bart Jacka

Assembly Committee on Judiciary

Minutes

Page Two.

February 26, 1975

of the Clark County Metro Police. Mr. Barengo pointed out several slight amendments which would make this bill more acceptable. This Committee then discussed these amendments, and Mr. Hickey moved DO PASS AS AMENDED. Mrs. Hayes seconded. The vote was unanimous. Legislation Action Form attached to these Minutes.

MOTION CARRIED DO PASS S.B.135 AS AMENDED.

Mr. Heaney testified regarding A.B.284, which he introduced. He generally went over for the Committee's benefit Chapter 217 of the Nevada Revised Statutes. The purpose of A.B.284 was to make the law conform to what Chapter 217 of the Statutes says it provides.

Mr. Banner left the meeting.

Mr. Heaney went on to say that the definition of the word "victim" was quite broad. He then quoted for the Committee NRS 217.010.

Mr. Banner returned to the meeting.

Mr. Heaney stated that the victim is not always covered in this section of the Statutes, just the victim who actively took part in trying to deter the crime. Mr. Heaney said that since the inception of the original bill, only 28 claims were filed and 6 paid a total sum of \$22,086.24, Mr. Heaney feels that the original bill is not doing what it was intended to do. Mr. Heaney then listed the actual changes to the original bill which A.B.284 contained.

Mrs. Hayes left the meeting at this point.

At this point Mr. Barengo was questioned about the possible necessity of a fiscal note of \$100,000.00.

Mrs. Hayes re-entered the meeting.

Mrs. Wagner questioned whether or not a conviction in a case had to be made before a victim could be compensated. Mr. Barengo pointed out that in Section 7 of A.B.284 was the provision for the period of time allowed to report the incidents to the police.

Discussion and questions by the Committee followed. Mr. Hickey questioned whether or not a fiscal note would be requested. Mr. Barengo replied that he thought the Committee would have to request it.

Assembly Committee on Judiciary

Minutes

Page Three.

February 26, 1975

At Mr. Heaney's request, Carol Gundlach from Reno testified regarding A.B.284. Ms. Gundlach was a victim who tried to prevent a crime against herself. She detailed the circumstances which surrounded this situation, and she told of the exact process by which she filed her claim for compensation. After Carol's severe beating, she was advised by a policewoman that there was a law which would help compensate her for the expenses she was suffering by her hospitalization. The Committee proceeded to question Carol as to exactly how and when her claim was filed. The sequence of events in regard to this is as follows: The attack occurred on June 29, 1974; The claim was filed in October, 1974; It was officially received by the Board on October 8, 1974; The hearing on the matter was set in November, 1974; and The claim was denied on November 27, 1974.

Mr. Barengo asked Carol if when the claim was denied she was furnished with written findings. She stated that no notification was given directly to her. She found out in the newspaper that the claim was denied. Mr. Heaney said Carol got a letter from the Board after the results were published. Mr. Heaney then read to this Committee the letter of denial.

Mr. Barengo appointed Mr. Heaney to contact someone from the Board and someone from the Attorney General's Office to appear and testify before this Committee regarding Carol Gundlach's claim. The Attorney General's Office issued an opinion to the Board which may have been incorrect.

Amendments to A.B.284 were discussed generally by this Committee. Mr. Heaney said he would have no objections to the following amendments:

1. Page 2, Line 48--Leave in the subsection dealing with NRS 217.180, which is the criteria for determining the amount of compensation.
2. Page 3, Line 31--Change the date June 30 to July 1.
3. Page 1, Line 23--Change the wording "any person;" to "a peace officer;".

There being no further business, and after a motion and a second to it, Chairman Barengo adjourned this meeting.

SUGGESTED AMENDMENT TO A.B. 185:

Page 5, Section 17, 2. (a) line 16 should be changed to read:

"Expenses actually and reasonably incurred in excess of \$100 for necessary medical, chiropractic, hospital, non-medical remedial care and treatment rendered in accordance with a religious method of healing, rehabilitative and dental products, services or accommodations, including ambulance services, drugs, appliances and prosthetic devices necessitated as a result of personal injury or death of the victim;"

698.070 "Benefits payable" defined. "Benefits payable" include the following defined benefits not to exceed \$10,000 per person per accident:

3. "Medical benefits" means payment for all reasonable charges incurred for necessary medical services, X-ray, dental and rehabilitative services, including but not limited to prosthetic devices, necessary ambulance, hospital and nursing services. Such benefits also include necessary remedial treatment and services recognized and permitted under the laws of this state for an injured person who relies upon spiritual means through prayer alone, for healing in accordance with his religious beliefs. The term does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services in excess of a reasonable and customary charge for semiprivate accommodation, unless intensive care is medically required.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

124

LEGISLATION ACTION

DATE Feb. 26, 1975

BILL NO. S.B. 135

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

as amended.
Moved By Mr. Hickey Seconded By Mrs. Hayes

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

as amended.
Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 26, 1975
Date